

1 H. Tim Hoffman (SBN 049141)
2 Arthur W. Lazear (SBN 083603)
3 Chad A. Saunders (SBN 257810)

HOFFMAN & LAZEAR

180 Grand Avenue, Suite 1550

Oakland, California 94612

Tel:(510)763-5700

Fax:(510)835-1311

Email: cas@hoffmanandlazeare.com

Newman Strawbridge (SBN 171360)

LAW OFFICE OF NEWMAN STRAWBRIDGE

719 Orchard Street

Santa Rosa, CA 95404

Telephone: (707) 523-3377

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

GALINA SEEBROOK, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

WHOLE FOODS MARKET CALIFORNIA,
INC., a California corporation,

Defendant.

Case No. 3:11-cv-00842-SC

**STIPULATION FOR DISMISSAL
WITHOUT PREJUDICE OF CLASS
ACTION COMPLAINT, AND FOR
WAIVER OF FEES AND COSTS BY
DEFENDANT**

STIPULATION FOR DISMISSAL WITHOUT
PREJUDICE OF CLASS ACTION COMPLAINT,
AND FOR WAIVER OF FEES AND COSTS BY
DEFENDANT

CASE NO. 3:11-cv-00842-SC

1 TO THE HONORABLE COURT, ALL PARTIES AND THEIR ATTORNEYS OF
2 RECORD:

3 WHEREAS, Defendant Whole Foods Market California, Inc. ("Defendant") filed a
4 motion to dismiss this action for lack of subject matter jurisdiction on April 15, 2011 (Dkt. No. 16);

5 WHEREAS, counsel for Plaintiff Galina Seebrook ("Plaintiff") and counsel for
6 Defendant met and conferred on April 26, 2011 and agreed that Plaintiff would voluntarily dismiss
7 her Class Action Complaint and re-file in State court; and

8 WHEREAS, Defendant agreed that it would not seek costs or attorneys' fees from
9 Plaintiff in connection with this dismissal of this case from this court;

10 NOW, THEREFORE, Plaintiff and Defendant hereby stipulate and agree that:

- 11 1. The Court should enter a dismissal without prejudice as to the entire above-
12 entitled case; and
13 2. The Defendant will not move the Court for an award of costs or attorneys' fees in
14 connection with this dismissal.

15 THE PARTIES SO STIPULATE.

16 Dated: May 2, 2011

17 HOFFMAN & LAZEAR

18
19 By /s/ Chad A. Saunders
20 CHAD A. SAUNDERS
21 Attorneys for
22 Plaintiff GALINA SEEBROOK

23 Dated: May 2, 2011

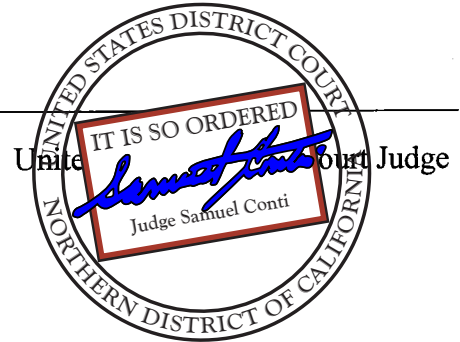
24 SEYFARTH SHAW LLP

25 By /s/ Giovanna Ferrari
26 Giovanna Ferrari
27 Attorneys for
28 Defendant WHOLE FOODS MARKET
CALIFORNIA, INC.

[PROPOSED] ORDER

PURSUANT TO STIPULATION, it is ordered that the entire case entitled *Seebrook v. Whole Foods Market California, Inc.*, No. 3:11-cv-00842-SC, is hereby dismissed without prejudice.

Dated: 5/3/11



CERTIFICATION

I, Chad Saunders, am the ECF User whose identification and password are being used to file this Stipulation for Dismissal Without Prejudice of Class Action Complaint, and for Waiver of Fees and Costs by Defendant. In compliance with General Order 45.X.B., I hereby attest that Giovanna Ferrari has concurred in this filing.

Dated: May 2, 2011

HOFFMAN & LAZEAR

By /s/ Chad A. Saunders
CHAD A. SAUNDERS
Attorneys for Plaintiff